



ACRB Members

July 15, 2010

Chief George Turner
Department of Police
City of Atlanta
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Complaint #10-02 / DeBorah Williams

Dear Chief Turner:

MAYOR of ATLANTA
KASIM REED

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint that was filed by DeBorah Williams against Officer Byron Martin of Zone 4. Ms. Williams alleged that Officer Byron used unnecessary and excessive force when he arrested her on December 1, 2009.

Atlanta City Council

The complainant, Ms. Williams, explained that she was involved in a verbal argument with a houseguest and she called for Emergency Medical assistance for her guest. The EMS personnel evaluated her guest, Rita Adams, and concluded that she did not require hospitalization. However, because of the nature of the situation, EMS personnel called the police and Officer Martin responded. Officer Martin advised Ms. Williams that she could not evict Ms. Adams from her home without proper eviction proceedings. He advised her that he did not want to have to return to deal with this matter and left. However, the argument with Ms. Adams continued. Ms. Adams called 911 and told the call taker that she was being beaten by Ms. Williams. Ms. Williams gained control of the phone and told the call taker what was happening. Shortly after the call, Officer Martin appeared for the second time. Ms. Williams alleges that he rushed in without speaking, grabbed her, threw her to the floor, placed his knee into her back and handcuffed her. There was another officer there but she could not identify him. Both she and Ms. Adams were arrested and charged with Disorderly Conduct. The charges were dismissed the following day when Ms. Adams and Williams agreed to reconcile their differences.

The 911 calls that were recorded corroborate Ms. Williams' version of the nature of the calls. The radio transmission also indicate that when Officer Martin received the second call, he advised that he was en route and to send a wagon. Ms. Adams stated that three police officers instructed Williams to put her hands behind her back, threw her in a chair, kned her in the back, pulled her down to the floor and handcuffed her. She was also arrested.

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Officer Moore was interviewed and indicated that he was the prisoner transport person and he transported Ms. Williams and Adams but he did not recall any details. **Officer Martin** responded to a subpoena and acknowledged that when he was dispatched to Ms. Williams' home, he called for the prisoner transport wagon before he arrived. He said that when he arrived, the front door was open and he observed Ms. Williams and Ms. Adams pushing each other. He then decided to arrest the women. Officer Martin's attorney invoked his Fifth Amendment privilege and refused to allow him to answer further questions.

Officer Ward was interviewed after Officer Martin explained that he was riding with him on the date of the incident. When asked about the second call to the residence, he said that it was reported that there was a fight. He said that Ms. Williams was acting in "a violent manner," however when asked to explain, he said that she was loud and using choice words. He did not observe them fighting. He further explained that Ms. Williams became "combative and resisted arrest." When asked to explain, he said that she walked away from Officer Martin and sat on her hands. He said that Officer Martin managed to handcuff her but he could not provide any details. He could not recall if Ms. Williams was thrown to the floor. He said that Officer Martin did not place his knee into Ms. Williams' back.

The ACRB considered the description and definition provided in the Atlanta Police Department's Standard Operating Procedures which addresses Use of Force and considered the statements of Ms. Williams and Adams and the officers. It was evident that Officer Martin intended to make an arrest before he arrived and there was no imminent danger or threat. He therefore used unnecessary force against Ms. Williams. For this reason, the ACRB voted unanimously to recommend **sustaining** the allegation of **Excessive Force** against Officer Martin. The allegation that the handcuffs were applied too tightly is not corroborated, and thus, the staff recommends that this be **Not Sustained**.

The Board further considered the recommendation for discipline. Officer Martin was hired in 2001. According to the records in the Department of Professional Standards, 16 complaints have been filed against him. Of those complaints, six resulted in a finding of exonerated, five were sustained, four were not sustained and one was exceptionally closed. Three of the complaints alleged excessive force. Two of those three were exonerated and one was not sustained. The last complaint filed with OPS against Officer Martin was in November 2007. The Board applied the Atlanta Police Department standards with regard to discipline. They concluded that this should be viewed as a Category B offense. The Board recommends that Officer Martin be suspended for one day without pay and that he be required to undergo training regarding domestic violence.

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Please let me know if you have any questions or concerns or if you would like to have a copy of the full investigation. The ordinance requires the Chief to respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See Sec. 2-2211 (O) of Ordinance 07-0-0141.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joy Morrissey", with a long horizontal flourish extending to the right.

Joy Morrissey
Board Chair

JM/mms

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Honorable Members of City Council
ACRB Board Members